



Surface Transportation Board
Washington, D.C. 20423-0001

June 19, 2006

Office of the Chairman

The Honorable John D. Dingell
U.S. House of Representatives
2328 Rayburn House Office Building
Washington, DC 20515
Hand Delivered

JUN 21 2006

Dear Representative Dingell:

Thank you for your letter dated May 30, 2006, signed jointly with Senator Carl Levin, Senator Debbie Stabenow, and Michigan State Representative Kathy Angerer, inquiring about a proposed intermodal facility that may be located in Erie Township, Michigan. As of today, neither U.S. Rail Corporation (USRC) nor Global Partners (Global) nor any other entity has filed a request to locate such a facility in Erie Township. Although such plans may be under consideration elsewhere, the Board has no information concerning such a project at this time. Because we have not received a request for authority to construct and/or operate a facility, the Board's Section of Environmental Analysis (SEA) has not initiated environmental review.

Absent additional information concerning this proposed project, it is difficult to predict with certainty the processes under which USRC or Global might seek Board approval. In all likelihood, however, such a project would require Board approval pursuant to the provisions of 49 U.S.C. 10901, which govern the acquisition, construction, and operation of rail lines. In particular, an applicant could seek Board approval under the formal application provisions of section 10901, or it could pursue an exemption under 49 U.S.C. 10502 by filing a petition for an individual exemption or a notice invoking an existing class exemption, if applicable.

If the project did not fall within the Board's jurisdiction, then the proposed construction and operation would be a matter entirely for state and local regulation.

I appreciate your interest in this matter, and if I may be of further assistance, please do not hesitate to contact my office.

Sincerely,

W. Douglas Buttrey
Chairman